

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LARRY RUSH,

Petitioner,

v.

JEFFREY BEARD, *et al.*,

Respondents.

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Civil Action No. 08-4843

CAPITAL CASE

ORDER

For the reasons stated in the accompanying Opinion filed herewith:

IT IS therefore on this 1st day of **August 2018**,

ORDERED that Grounds Two (a) and (b), Three, Six, Seven, Eight, Ten, Eleven, Thirteen, Fourteen, Fifteen and Sixteen of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (ECF No. 1-1) are dismissed with prejudice as procedurally defaulted; Ground Thirteen is alternatively denied on the merits; and it is further

ORDERED that Grounds One and Four are denied on the merits; and it is further

ORDERED that Ground Nine is held in abeyance pending an evidentiary hearing pursuant to 28 U.S.C. § 2254(e)(2); and it is further

ORDERED that a pre-hearing telephone conference call will be held with counsel on September 25, 2018, at 11:00 a.m., to determine the logistics of the evidentiary hearing, which will be held before the undersigned in the Eastern District of Pennsylvania.

s/ Joseph H. Rodriguez
JOSEPH H. RODRIGUEZ
United States District Judge